TRANS	CRIPT OF THE
BOARD OF	HEALTH MEETING
	OF HEALTH & MENTAL HYGIENE Gotham Center 42-09 28th Street, 3rd Floor, Room 3-32, Island City, New York 11101
	TUESDAY SEPTEMBER 12, 2017 10:42 A.M.

1	APPEARANCES:
2	NYC BOARD OF HEALTH MEMBERS
3	MARY T. BASSETT, MD, MPH
4	Commissioner of the NYC Department of Health and Mental Hygiene and Chair of the Board of Health
5	PAMELA S. BRIER, MPH
6 7	Former President and CEO of Maimonides Medical Center.
8	SIXTO R. CARO, M.D.
9	Member of the Board of Health and operates a private practice
10	SUSAN KLITZMAN, DrPH, MPH, CPH
11 12	Senior Associate Dean for Administration and Professor of Environmental and Occupational Health Sciences at CUNY School of Public Health
13	DEEPTHIMAN K. GOWDA, MD, MPH
14 15 16	Director of Foundations of Clinical Medicine, Director of Clinical Practice, Program in Narrative Medicine and an associate professor of medicine at CUMC Columbia University College of Physicians and Surgeons
17	LYNNE D. RICHARDSON, MD, FACEP
18	Professor and Vice Chair of Emergency Medicine and
19 Professor of Population Health	Professor of Population Health Science & Policy at The Icahn School of Medicine at Mount Sinai.
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1	APPEARANCES CONTINUED
2	Gail B. Nayowith, MSW
3	Principal of the digit LLC, the project management and consulting practice
4	ROSA M. GIL, DSW
5	President and CEO of Communilife, Inc.
6	President and CEO of Communitie, inc.
7	KAREN B. REDLENER, MS.
8	Executive Director Children's Health Fund & Community Pediatric Programs of Montefiore Health System
9	Pediatric Programs or Monteriore hearth System
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1	COMMISSIONER BASSETT: We're now
2	moving to the last of the proposed
3	resolutions for the Board in
4	consideration for adoption, which is
5	a proposal to amend Article 47 of
6	Child Care Services, and we have the
7	team here.
8	I just would note that this will
9	be Mr. Cresciullo's final
10	presentation of many that he's made
11	over the years to the Board of Health
12	because he will be leaving the Health
13	Department, but not city government.
14	Thank you for being here to
15	finish this today, I hope.
16	MR. CRESCIULLO: I hope so too.
17	Thank you very much.
18	So good morning. I'm Frank
19	Cresciullo, Assistant Commissioner of
20	our Bureau of Child Care.
21	MALE SPEAKER: I'm Tom
22	(inaudible), Early Childhood
23	Development.
24	MR. CRESCIULLO: And we're here
25	today seeking the Board's approval of

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an amendment to Article 47 regarding drop off child care services in home and shelters, family home and shelters.

So we did have our public comment period, and we received a number of comments from homeless advocates as well as providers. general, they supported the regulation of drop off shelter-based care, but they did make a number of suggested revisions regarding our original proposal on the limitation of the use of drop off services. role of the childcare liaison, the role of staff qualifications and facilities. So we'll just walk through some of that and inform you as to the changes that we made based on the comment.

So if you recall, the original proposal was to learn to drop off care to 10 hours per week per child.

As you can imagine, we received many comments suggesting that the strict

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time constraints on entering a shelter environment for families would limit their ability to sort of adjust to the shelter and find child care for their children. Also that some of the families are deemed ineligible for subsidized childcare and of course cannot afford full-time care.

It also pointed out there's a limited capacity for infants and toddlers, not just throughout the system, but the whole center system in New York City. The fact that families would need the extended drop off hours if they happened to work at night. And one comment involved the shelter environment intended to be sort of temporary for families and requiring this moment in long-term care presumes a longer childhood stay.

So our response to the limit on the drop off service is that we would have no limit for the first 90 days

that a family enters a family shelter giving them the time to adjust and find care for their children in 20 hours a week thereafter for each

A lot of that was based on surveys, surveys conducted by ourselves, as well as data provided by THS and ACS, as well as win. (Phonetic) If a family needs or doesn't qualify for a subsidy for child care, they could request the modification, the shelter on their behalf, or request the modification of the code, establish that they do not qualify, and the department would then waive the cap for that specific

In addition, if a shelter does not have available child care capacity within that half mile radius, the same can be done. can request a modification, and we would do our assessment to make sure that capacity is not available.

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1 we would approve the modification 2 request. 3 Based on the data we have, most of the shelters do have, within a 4 5 half mile radius, a number of early learn sites and a number of private 7 sites. And at the time that the 8 survey was done, they do appear to 9 have spare capacity, but a survey was 10 done in August when many have sort of 11 low enrollment. 12 So this is a very sort of point 13 in time data, and we'll just have to 14 assess, you know, any modification or 15 request that we receive for the cap 16 on time. 17 In addition to all of that, if 18 one of our programs are very high 19 quality and they want to seek an 20 Article 47 childcare permit, they 2.1 could do so, and they would have no 22 cap on the service that they provide. 23 We also received a number of comments about the liaison role. 24

Again, if you recall, this is the

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1	We also asked to allow
2	experience a substitute for a BA
3	degree or a BS degree for the child
4	care liaison. We haven't changed
5	from the original proposal. We'll
6	maintain that. Two reasons: One,
7	DHS, through it's contracting, does
8	provide early care and education
9	liaisons as well as client care
10	coordinators. Both of those
11	positions require a BA. Many of them
12	have Masters degrees. And if a
13	facility does have the very high
14	qualified person with a lot of
15	experience and they can use, again,
16	the modification clause in the code,
17	then the department would consider
18	that individual. So we would mark
19	that on a case-by-case basis.
20	And we were also asked if we
21	would grandfather the existing
22	physical time requirements in the
23	health code. We have not made any
24	change. The physical plant
25	requirements speak directly to the

1	health and safety of children. And
2	it's not just the health code. It's
3	the fire code, it's the building
4	code. And we think it's very
5	important that programs maintain that
6	level of safety for the kids.
7	So I'm happy to take any
8	questions you may have.
9	COMMISSIONER BASSETT: Thank
10	you. Your presentation is open for
11	questions and comments.
12	MS. REDLENER: Well, first of
13	all, as people know, I was very
14	concerned about the initial proposal
15	that was discussed at the last
16	meeting, and I really want to
17	recognize that the Department of
18	Health has done a lot to consider the
19	comments that were provided by
20	homeless shelter facilities and
21	advocacy groups. And I'm impressed
22	with the modifications that have been
23	made.
24	I have a few questions about
25	some of the implementation and/or

1	waiver requests. It's based on, you
2	know as we've seen from the
3	comments, there are 167 shelters
4	operating, tier 2 shelters currently
5	operating in the city. And only 25
6	of them have licensed day care
7	facilities now, and 43 are the
8	unlicensed drop off centers. I think
9	that's the focus of this regulation,
10	those 43 unlicensed drop off centers.
11	So what we're now asking the
12	shelters to do is bring those
13	unlicensed drop off centers to the
14	same compliance as child care
15	facilities in general. Is that
16	correct?
17	MR. CRESCIULLO: As far as the
18	physical plant requirements, yes.
19	MS. REDLENER: So my concern is,
20	you know, how do we feel about the
21	ability of these 47 shelters to meet
22	these current requirements, and do
23	you think that by holding the
24	physical plant requirements so
25	strict, that many of these facilities

will have to close.

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So I certainly am in support of health and safety for the children and want to endorse that concept, but I'm just wondering if there's some process for evaluating these on-site shelter facilities with a bit of grandfathering in or waiver requirements around smaller requirements, whether it's the number of sinks or the number of bathrooms, that kind of thing, because I'm just concerned that many of these facilities that are so helpful for homeless families will not be able to meet the physical plant requirements and will be forced to close.

MR. CRESCIULLO: Sure. So at the beginning of this process, we had conducted what we call viability inspections of all of these facilities. So we do have somewhat of a sense of the type of work that needs to be done and the number of sites that didn't have things like

secondary egress.

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Process-wise, if this should all be approved, it would go into effect about 30 days from now. We will work with all of these sites in doing further assessment along with DHS and ACS and Fire and Buildings to do a complete assessment of the need and the cost of coming up to code.

None will be considered sort of operating illegally and shut down immediately. We will only get to that point if it's clear that it's so costly that they couldn't possibly comply with the code or because of the configuration of building, they can't come into compliance.

There is some room for waiving minor stuff. But again, it's not just a waiver that was issued by Health. We have the fire department requirements. We have building department requirements.

I think most of these shelters have a residential C of O that will

1	need to be converted to the C of O
2	for child care. We had prelim
3	discussions with building around
4	that. Once they have a better sense
5	of what the shelters look like, they
6	may come up with another solution.
7	We always found them to be
8	reasonable. The bottom line is if
9	it's unsafe for children, there's
10	only going to be so much we're going
11	to be able to sort of waive.
12	Also, none of the sites have to
13	be in compliance with any of the
14	regulations. They'll actually have a
15	permit in hand. So health will not
16	immediately just issue a permit. We
17	will be working with them during the
18	application process to come to
19	compliance with all of this.
20	Will some of them close? I
21	don't know. My guess is yes. We
22	found a very small number
23	UNKNOWN SPEAKER: Well, there
24	are currently only 37 sites with drop
25	off services of the 43 sites that are

1	tier 2 certified or have a contract
2	with the Department of Homeless
3	Services.
4	I don't recall the actual figure
5	for the number of sites with no
6	secondary egress. We have the
7	assurances of the other agencies that
8	they are working with these programs
9	to come up to the prospective code
10	that they will have to comply with.
11	MS. REDLENER: Are there
12	additional funds for the shelters to
13	be able to use to meet these new
14	requirements if they want to?
15	MR. CRESCIULLO: Of course we
16	don't control the funding. But in
17	our meetings with DHS, we've been
18	told that, yes, additional funding
19	would be available.
20	MS. REDLENER: I do want to
21	clarify. The second means of egress
22	and the basic safety requirements of
23	course I understand.
24	I'm wondering, there are 40
25	pages of regulations relative to

1 child care facilities, and I'm just 2 wondering about the need to be in 3 compliance with every single one of 4 them. I would like to balance a 5 little bit the importance of having these drop off facilities for 7 homeless families, if at all 8 possible. 9 SPEAKER: We can use universal 10 pre-K as sort of a model for how we 11 went about permitting. You know, 12 during UPK, it was an enormous 13 expansion. We had everyone in the room. We had Fire in the room 14 15 ourselves, you know, DOE. And when 16 we needed to come up with created 17 solutions, we came up with creative 18 solutions. 19 So again, the bottom line, 20 health and safety. But if there's 21 something that we can be reasonable 2.2 on, I found the other agencies all to sort of pull together and try to come 23 24 up with solutions. 25 COMMISSIONER BASSETT: Thank

1 you. 2 Did you have a comment or 3 question? 4 MS. KLITZMAN: Good morning. Ι 5 share my colleague's appreciation of your willingness to listen to all the 7 comments and reflect on how we can 8 get to that sweet spot of meeting the needs of children whose families are 9 10 homeless as well as complying with 11 health and safety regs. 12 I have two questions for you. The first one, it has to do with the 13 14 qualifications of a child supervisor. So under section 47.18 on page 13, 15 16 you say that in determining child 17 care liaison qualifications, the 18 department may accept documentation 19 from schools, colleges and 20 universities approved by the State 21 Education Department. But with 2.2 respect to the next session, a child 23 supervisor in a family shelter-based 24 drop off, the child supervision 25 program must have a minimum of an

1	associates degree in various fields
2	or a related degree that is approved
3	by the department, or a child
4	development associate certification.
5	So I'm putting my education hat
6	on here. And typically it is the
7	responsibility and the expertise of
8	the State Education Department to
9	evaluate and make a determination
10	about educational facilities. And
11	I'm just concerned as to whether it
12	would make more sense to extend that
13	to the child supervisor as well as
14	the child liaison.
15	Does the Department of Health
16	and mental hygiene really want to
17	take that responsibility on on
18	evaluating schools and universities,
19	or is that something better left to
20	the State Department of Education.
21	MR. CRESCIULLO: I think it is
22	better left to the State DOE. I
23	guess we will have to look at that
24	language.
25	Can we just replicate it for the

1	supervisor, Tom?
2	TOM: So if we make a change
3	today, it requires a unanimous vote.
4	MS. KLITZMAN: So I guess I
5	would propose, and please correct me
6	if this is not the correct format,
7	but I would like to propose a
8	friendly amendment to make that
9	provision consistent so that it is
10	the responsibility of the State
11	Department of Education to evaluate
12	the qualifications of the child
13	supervisor as well as the childcare
14	liaison.
15	COMMISSIONER BASSETT: We have a
16	motion. We have a second.
17	Do we have any discussion on the
18	motion?
19	FEMALE SPEAKER: My question is
20	the wording in subsection 3 that
21	to which you refer seems to be
22	permissive rather than imperative.
23	It says the department may accept
24	documentation from schools, et cetera
25	et cetera, approved. It doesn't say

1	that the documentation that's
2	accepted must be approved by the
3	State DOE.
4	So I'm not questioning the
5	wording, but it doesn't seem to me
6	that it is assuring what you're
7	alluding to because it's simply that
8	you may accept that documentation, or
9	you may accept documentation that
10	they have not approved. That's the
11	way I'm reading the third paragraph,
12	the subparagraph.
13	Is that correct, Tom?
14	TOM: I'm not sure.
15	MR. CRESCIULLO: So we would not
16	accept the documentation that the DOE
17	has not approved. That's not
18	something we've ever done. I think
19	it's just a matter of cleaning up the
20	language.
21	COMMISSIONER BASSETT: I think I
22	need to ask for some guidance from
23	general counsel on this.
24	We want to do this in accordance
25	with our standard practice, and at

1	the moment, it doesn't look like we
2	have language that we're confident is
3	in accordance with that practice for
4	both roles. Is that the problem,
5	that it should apply to the child
6	supervisor role as well as the
7	liaison?
8	MS. KLITZMAN: Right. And my
9	point is it just seems like the
10	Department of Education is the agency
11	charged with that function, and to
12	put the Department of Health in the
13	role of evaluating educational
14	credentials doesn't seem appropriate
15	to me.
16	COMMISSIONER BASSETT: I mean we
17	have similar degrees, similar
18	educational requirements for the
19	child supervisor, for the family
20	shelter, drop off centers for other
21	childcare sites.
22	What language do we use there?
23	MR. CRESCIULLO: You know, I'm
24	going to have to take a look, but I
25	think it's similar to what we have in

1	the child supervisor language in some
2	spots. And then for the educational
3	director, I think it's consistent
4	with the liaison.
5	So we may have to just propose
6	another revision to clean that up.
7	We can do that at a later date,
8	unless you think we can do it today.
9	TOM: Again, if we make it now
10	and everybody approves it, we can
11	make the change today.
12	COMMISSIONER BASSETT: I don't
13	feel quite capable of doing the
14	drafting on the spot.
15	FEMALE SPEAKER: I'm worried
16	about us trying to come up with
17	language on the spot. I think the
18	clear intention of the Board, and I
19	don't know if we need to vote on the
20	amendment, is I think
21	Dr. Klitzman's point is well taken,
22	and that the same type of language
23	should be in both provisions, both
24	for the liaison and the child
25	supervisor, and that it should make

1	it clear that the Department of
2	Health and Mental Hygiene is going to
3	rely upon the expertise of the
4	Department of Education in
5	identifying appropriate educational
6	qualifications for these roles.
7	But I don't think we should be
8	the ones drafting the language to
9	assure that, you know, it's legally
10	sufficient, but I think that is our
11	intent. I don't want to hold up the
12	substantive issues that are before us
13	today, but it does seem as though
14	there might need to be someone look
15	at the entire section to make sure
16	all of the language meets this
17	intended suggestion from the Board.
18	COMMISSIONER BASSETT: Can I ask
19	our general counsel, is it sufficient
20	for the Board to vote on the intent
21	of the language, or do they need to
22	vote on the specific language?
23	TOM: The intent is the intent,
24	and I certainly think that if
25	you're saying certainly in making

1	approval under here, they would
2	defer. That's right. You would. So
3	I think that that is the intent. The
4	intent here is not for the department
5	to substitute its judgment for the
6	professional qualifications of DOE.
7	That's absolutely right. That
8	will be the intent, and that will be
9	how this will be interpreted. We can
10	go forward on that.
11	COMMISSIONER BASSETT: Tom, the
12	intent of the rule is not barred by
13	the written language at the moment.
14	MS. BRIER: Does that mean that
15	in number 3 instead of saying may
16	accept, it would say must
17	FEMALE SPEAKER: I don't think
18	we want to say it.
19	COMMISSIONER BASSETT: I think
20	that we're now really talking about
21	subsection B which doesn't contain a
22	reference to the State Education
23	Department.
24	The presumption here is that the
25	standard practice of the Health

1	Department in reviewing
2	documentation, educational and
3	accomplishment is to reference the
4	standards of the department, State
5	Department of Education. So the
6	question is does the current language
7	permit us to continue to meet that
8	practice and will the board be
9	satisfied with the presumption that
10	in assessing educational
11	qualifications, the department
12	references the standards used by the
13	Department of Education from the
14	State Department of Education.
15	FEMALE SPEAKER: So I think just
16	to step back for one second, that the
17	context is to try to create an
18	alignment across all of the
19	categories of child care for children
20	regardless of where they live.
21	So to the extent that the
22	language reflects existing you
23	know, language in the existing
24	regulation that could be checked.
25	But to me when I read it, the

1 difference in the positions is that 2 one has a CEA on top of an education, 3 a college or an associates degree, and the other has to have a degree 4 5 from an accredited institution of 6 some sort. 7 I don't know what the code says 8 now, but this language of approved by 9 the department is the sticking point. 10 So all the rest of it is fine. 11 the issue about approved by the 12 department. 13 So if we can figure out whether 14 that is consistent with existing code and the whole child care system is 15 16 based on the same language, that's 17 one thing. And the other is that if it's just a boilerplate that we've 18 19 been using in all of our childcare 20 regulations, then that's something else to think about, but it shouldn't 2.1 22 stop us from moving forward in my 2.3 opinion. 24 COMMISSIONER BASSETT: 25 Dr. Richardson and then I'm going to

1	turn to our general counsel to
2	resolve this matter.
3	DR. RICHARDSON: Just to raise a
4	slightly different issue, so again
5	looking at subsection B, it would
6	appear to say that either you have an
7	associates degree or a related degree
8	or a CEA certification. So if you
9	have the certification, you do not
10	need the degree.
11	And is this Child Development
12	Associate certification a specific
13	certification and by whom?
14	MALE SPEAKER: So CUNY, for
15	example, issues CDAs, and they're not
16	a replacement for a college degree,
17	per se. But the way in which it is
18	framed here, it can be in place of an
19	associate's degree.
20	So if it's accepted as a
21	credential, it's the same as the
22	associate's degree as described in
23	the qualifications.
24	COMMISSIONER BASSETT: Does the
25	State Department of Education

1	standards reference CDAs?
2	MALE SPEAKER: CDAs are
3	regulated. And CDAs there are
4	credit-bearing CDAs, for example,
5	that count towards a higher degree.
6	MS. BRIER: CDAs are used all
7	over the country as a certification
8	for early childhood expertise and
9	helps people with a regular teaching
10	degree or other degree to get the
11	expertise they need in early
12	childhood development and education.
13	So this is a legitimate thing, even
14	though we don't often talk about it.
15	COMMISSIONER BASSETT: I think
16	we may have talked our way around it
17	in a circle here. Let me see if I
18	can summarize it and see if there's
19	an agreement that the Section B, as
20	it stands now, is not harmed by the
21	lack of reference to the State
22	Education Department, that it stands
23	on its own as a credentialing
24	process, one that is recognized and
25	regulated by the State Education

1	Department.
2	So I think that we can assure
3	Dr. Klitzman that the department is
4	not the purveyor of standards, or the
5	CDA, or the associate's degree, and
6	that the section, as it stands, is
7	not harmed by the lack of reference,
8	and we can proceed with our
9	deliberations on the proposal.
10	Have I got that right?
11	TOM: I agree with that.
12	COMMISSIONER BASSETT: The
13	General Counsel agrees.
14	We have a motion on the floor,
15	so we need to figure out what to do
16	with it, unless it's withdrawn.
17	MS. KLITZMAN: I need another
18	minute to read it. I have to read
19	everything at least twice.
20	Again, I do want to not hold
21	this up. Can I just ask you, Tom, to
22	explain why you think it's not
23	necessary to modify this in order to
24	achieve the goal that we had all
25	agreed on here?

1	TOM: One, I don't think the
2	child supervisor is a profession per
3	se regulated by the state. I may be
4	wrong on that.
5	MS. KLITZMAN: No. It's the
6	degree.
7	TOM: Right. Absolutely the
8	degree. But then the department, in
9	terms of looking at what degree,
10	which is regulated by SDOE is
11	satisfied that a person in that title
12	should hold. It's not like we're
13	going to create a new associate.
14	We're going to look at the
15	associate's degrees and not
16	necessarily look at what, but then in
17	our experience, I can't think of
18	other degrees that might be
19	applicable, but there may be another
20	associate's degree that needs
21	experience. With SDEO, they don't
22	say we need that degree.
23	COMMISSIONER BASSETT: It's
24	really the job applications that are
25	being determined by the department

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1	and not the integrity of the degree.
2	MS. KLITZMAN: I think I'm still
3	having trouble seeing why the part
4	that says or related degree that is
5	approved by the department should not
6	be left to the State Education
7	Department.
8	But I don't want to hold this
9	up. So I can withdraw my motion and,
10	you know, abstain.
11	TOM: The child supervisor was a
12	profession regulated by the state,
13	but it's not. So to answer the
14	question, we want somebody with an
15	associate's degree in that position,
16	and the associate's degrees are
17	defined by the state, the education
18	side.
19	It's not like we're going to
20	create a new degree. If that were
21	the case, we'll look at the degrees
22	available, and somebody will come
23	with a degree that's
24	COMMISSIONER BASSETT: Yes.
25	MS. BRIER: I will try. So the

1	Health Department isn't going to
2	subordinate the state as the
3	certifying entity for what's a
4	degree, a college degree. The issue
5	is which degrees can apply in these
6	cases. So it's flexible language.
7	So, for example, if I had a
8	degree in culinary arts, I'm not
9	necessarily going to be able to work
10	in a child care program. If I have a
11	CDA or if I want to work in a
12	kitchen, yes, but I should not
13	necessarily be a supervisor.
14	So there has to be a certain
15	amount of discretion when the
16	department looks at the various at
17	the educational credentials of the
18	individual because it has bearing on
19	the work. So there's a relationship
20	between their educational credential
21	and the scope of work for which
22	they'll be responsible.
23	It's not a substitution for the
24	fact that they graduated and they are
25	licensed in their profession, but it

1	may not be a relevant germane degree
2	for this work. I don't know if I'm
3	helping or making it worse.
4	COMMISSIONER BASSETT: I think
5	that that was helpful. We're trying
6	to distinguish, I think, between
7	qualifications that fall within the
8	job description and qualifications
9	that are recognized as legitimate
10	markers of educational attainment,
11	the later being a responsibility of
12	the state.
13	MS. BRIER: I'll withdraw my
14	motion.
15	COMMISSIONER BASSETT: Thank
16	you.
17	Are there further discussions
18	about the proposed changes to this
19	ruling?
20	MS. BRIER: Yes, just one.
21	I think as we see the
22	significant shifts in early childhood
23	education and care in the city, and
24	we move towards a more coordinated
25	system, there are going to be a

1 number of things that are going to 2 surface that we haven't really 3 expected. I think that the compromise that 4 5 you all have reached is a good one, and it provides a lot of flexibility 7 at the point of which homeless families are in most crisis. I also 8 want to just say for the record that 9 10 half of the shelter system does not 11 have on-site drop off care, and those 12 families are okay. 13 To the extent that we can then 14 regulate the services that are 15 provided on site, that's also very 16 important and very good. But I do 17 want to point out that not every 18 shelter has this capacity, so there 19 are accommodations that are made 20 throughout the system. 21 But just as an absolute sort of 22 standard point, we need to have one 23 unified childcare system, an early 24 education system in the city. To the 25 extent that we kept marching there

1	step by step, I think it's really
2	terrific and applaud all the work
3	even though it's very arcane.
4	So thank you for that.
5	MS. REDLENER: I have a comment.
6	I think I agree with the importance
7	of having consistent standards for
8	childcare, but I do also still want
9	to say that different circumstances
10	that families live in require
11	different kinds of support services
12	to make their lives work.
13	And I'm not sure that the
14	families that are in shelters without
15	drop in sites are okay. I'm not sure
16	that their lives work as well in
17	terms of getting themselves back to a
18	stable housing situation. The
19	average length of stay for families
20	is over a year in shelters. And
21	depending on the capacities of the
22	families and the support network in
23	the shelters, that experience can
24	be can vary widely.
25	So my certain is a little bit

	5,
1	about what happens to the 37 drop in
2	sites that are currently operational
3	and providing support to families.
4	Is there a way that the Board asks
5	for updates about the impact of a
6	particular regulation change?
7	COMMISSIONER BASSETT:
8	Absolutely.
9	MS. REDLENER: I would like to
10	ask for that.
11	COMMISSIONER BASSETT: We will
12	welcome that request.
13	MS. REDLENER: So at some point
14	three months from now, six months
15	from now, if we could have a report
16	on what the status was of those 37
17	sites or what the other shelters
18	decided to do.
19	COMMISSIONER BASSETT: Yes.
20	Duly noted that we will undertake to
21	report back to you.
22	Are there any further comments
23	or questions? I should just note
24	that the intention of the department
25	in addressing this issue was to both

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1	So with that final comment from
2	me and with thanks to Dr. Klitzman
3	for her careful reading of the rule
4	and that conversation, may I have a
5	motion from the committee to adopt.
6	MS. REDLENER: Motion.
7	MS. GILL: Second.
8	COMMISSIONER BASSETT: So moved
9	by Miss Redlender, seconded by
10	Miss Gill.
11	May I have a vote? All in
12	favor, please say aye.
13	ALL: Aye.
14	COMMISSIONER BASSETT: Are there
15	any abstentions? Any no votes?
16	The motion passes unanimously.
17	Thank you.
18	MR. CRESCIULLO: Thank you very
19	much, everyone.
20	COMMISSIONER BASSETT: And the
21	best of luck to you.
22	MR. CRESCIULLO: If I may, I'd
23	like to thank the Board for helping
24	us draft these regulations for all
25	these number of years. It's really

useful for at least the child care 1 2 program to get the feedback and have 3 you poke holes and question what we're trying to do, regulation. 4 5 When you're in a room with your staff developing this sort of stuff, 7 it all sounds good after a while, and 8 we think we're just doing this 9 terrific job. So having it vetted by 10 the Board is extremely, extremely 11 helpful. So thank you very much. 12 COMMISSIONER BASSETT: I really 13 do want to note that this is a 14 display of the Democratic process 15 offered by the Board of Health, the 16 fact that every proposal is presented 17 for public feedback and that we have an astute and critical board that 18 19 also challenges us. 20 All right. With that we will move on to the next item, which is 2.1 22 for -- consideration for approval for 2.3 publications. So this is moving on from adoption to a review of 24 25 proposals.

1	This one is to amend Article 11,
2	reportable diseases and conditions,
3	and Article 13, laboratories of the
4	New York City Health Code.
5	Dr. Daskalakis, if you could
6	reintroduce yourself to the board.
7	DR. DEMETRE DASKALAKIS: Thank
8	you again. I'm Demetre Daskalakis,
9	the Deputy Commissioner for Disease
10	Control. Thank you for hearing me
11	again.
12	So as you've heard, this is a
13	proposal to amend Health Code
14	Articles 11 and 13 of disease
15	surveillance. To remind you, Article
16	11 regulates disease surveillance and
17	control activities including what
18	disease must be reported to the
19	Health Department. Article 13
20	regulates the manner in which lab
21	tests must be performed and also
22	reported to the health department.
23	There are two proposals within
24	this presentation. The proposal is
25	first amend Article 13 to require

1	laboratories to report all hepatitis
2	B DNA tests, including negative
3	results. As a frame of reference,
4	this would mirror what happens to HIV
5	and Hepatitis C where both negative
6	and positive results are reported.
7	Currently, only positive DNA results
8	must be reported.
9	The second is to amend Article
10	11 to add Carbapenem-resistant
11	Enterobacteriaceae (CRE) to a list of
12	reportable diseases. This is only a
13	laboratory report requirement.
14	So first let's talk about
15	Hepatitis B DNA test reporting.
16	The number of Hepatitis B, HBV
17	cases, is rising nationally and also
18	in New York City. We have more than
19	100,000 New Yorkers who are estimated
20	to be living with chronic Hepatitis B
21	infection in the city. In 2016,
22	almost 8,500 new cases were
23	diagnosed. And again for frame of
24	reference, that's about three times
25	the number of new diagnoses of HIV.

That's an increase of 18.8% since 1 2013. Part of that is due to a 2 3 change in the definition of a case. 4 Chronic Hepatitis B can lead to 5 serious health issues. That includes cirrhosis and liver cancer. It is an 7 oncogenic virus. All infected 8 individuals require care and 9 monitoring and some require anti-viral medications. 10 11 Just to review Hepatitis B, the 12 progress of infection in some people, 13 so after an infection, people, about 90% of infants or 5% to 10% in adults 14 15 will progress to chronic infection 16 where they have ongoing viremia. 17 About 15 to 30% develop serious liver 18 disease, and 25 percent will go on to 19 cirrhosis. About 5 percent will move 20 on to liver cancer. Some percentage -- like I said, many will 21 2.2 recover. Infants are not as lucky in 23 the perspective of a Hepatitis B infection. 24 25 So Hepatitis B DNA testing is

So the idea that we have is to require reporting all HBV DNA test results again to mirror some other viral infections of public health concern. HIV and Hepatitis C are the examples. This will allow us to create in effect a continue of care that has really been from data in the perspective of what's happening with HBV.

It will allow us to estimate the proportion of New Yorkers infected with HBV who were appropriately tested by also linked to care. By allowing us to have a better view of HBV throughout the city, it will allow us to continue care with HIV and Hep C to identify gaps in access to care.

Additionally, we will be able to better target interventions to increase linkage to care and improve provider knowledge of HBV testing and treatment guidelines. Additionally, increasing our ability to monitor the

1	details of Hepatitis B will allow us
2	to decrease Hepatitis B-related
3	morbidity and mortality.
4	Moving on to a completely
5	different organism,
6	Carbapenem-resistant or a group of
7	organisms, Carbapenem-resistant
8	Enterobacteriaceae Reporting or CRE.
9	CRE is a family of bacteria that are
10	difficult to treat because they have
11	high levels of resistance in many
12	antibiotics including Carbapenem
13	antibiotics such as Imipenem and
14	Meropenem.
15	Carbapenem antibiotics are
16	usually the last line of treatment
17	for infections caused by highly
18	resident bacteria. These infections,
19	CRE, are common in hospitals, nursing
20	homes and other health care settings.
21	CRE is an urgent threat, and the
22	CDC has designated CRE as an urgent
23	threat, the highest threat level in
24	its list of antibiotic-resistant
25	threats in the United States.
	L

1	The emergence and dissemination
2	of Carbapenem-resistant among
3	Enterobacteriaceae in the U.S.
4	represents a serious threat to public
5	health. These organisms cause
6	infections that are associated with
7	high mortality rates and have a
8	potential to spread widely.
9	Decreasing the impact of these
10	organisms will require a coordinated
11	effort involving all stakeholders
12	including health care facilities and
13	providers, public health and
14	industry. So this is a quote
15	directly from the CDC document that
16	identifies this CRE as an urgent
17	threat.
18	So what do we know about CRE in
19	New York? In 2015, hospitals in New
20	York State reported about 3,600 cases
21	of CRE via the CDC's National
22	Healthcare Safety Network, or NHSN.
23	About 1,700 of these were reported by
24	the 51 participating New York City
25	facilities. It's important to note

1	that only hospitals submit CRE data
2	to this system. The number of CRE
3	infections in New York City is likely
4	significantly larger than what this
5	picture paints.
6	So the concept is that we
7	mandate reporting of CRE by
8	laboratories. This will be important
9	because it provides vital
10	epidemiological information regarding
11	the incidence and evolution of CRE.
12	It will help us identify new strains,
13	clusters and outbreaks of this
14	infection and enable the Health
15	Department to help ensure appropriate
16	infection control precautions, and it
17	is closely aligned with July the 27th
18	release of the Council of State
19	Territorial Epidemiologists
20	guidelines and say that we should be
21	doing surveillance of this organism.
22	That's the end of my
23	presentation. Thank you.
24	COMMISSIONER BASSETT: Thank
25	you. Open for questions.

Miss Brier. 1 MS. BRIER: So then hospitals 2 3 and nursing homes, health care facilities, ambulatory ones that 4 5 happen to have labs will continue to report, as they do now. And in 7 addition, proprietary -- I think 8 they're all proprietary labs that 9 have the -- that get something to 10 evaluate on behalf of another 11 institution will also report. 12 So presumably the regulations 13 will be clear enough that you won't 14 get duplicates as in the hospital 15 sends something to you, and they get 16 a result, and the lab that the 17 hospital sent it to. Right? So that 18 won't be an issue.

DR. DEMETRE DASKALAKIS: That's correct. Mainly around the fact that our surveillance system, our lab reporting surveillance system, one of its very significant features is working on duplicating results in individuals.

19

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1	So this would be information
2	that we will get through that same
3	mechanism, through lab reporting.
4	And so it will go through a
5	duplicating process so we're not
6	getting repeats.
7	Generally I think people will be
8	sending if they have a contract
9	lab, they're going to send their labs
10	to contract labs. If they have an
11	in-house lab or a hospital lab they
12	use, it should still go to the same
13	one.
14	Thank you.
15	COMMISSIONER BASSETT: Any other
16	questions? Dr. Richardson.
17	DR. RICHARDSON: So first I want
18	to thank you for addressing CRE,
19	which I do think is really an
20	alarming and under-recognized threat.
21	And so I will call the department for
22	taking action on that.
23	I do have a question though
24	about the first item. What do we
25	know about the transmitability of the

DEMETRE DASKALAKIS: So we  there are data that higher viral  loads do transmit better. We don't  have that same threshold that we do  for HIV. So if you were to look at  the HIV literature, there's a number  of 1,500 copies per mill that is  associated as a threshold for where  it's very unlikely for transmission.  We don't know as much about  Hepatitis B. Also, the viral load  dynamics of Hepatitis B are  completely different than HIV. So  suppression of HIV will happen in 12  months. Sometimes HBV suppression  may take up to six. So it's a  different creature.  We do think that higher viral  loads there are data that higher  viral loads are associated with the  transmission. I just don't have a  floor to tell you where the cutoff is  with respect to the words less likely  to transmit.		
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with respect to the words less likely	22	transmission. I just don't have a
	23	floor to tell you where the cutoff is
to transmit.	24	with respect to the words less likely
	25	to transmit.

1	DR. RICHARDSON: Okay. Thank
2	you. So it does make a lot of sense
3	to me that the reporting of negative
4	results would greatly enhance the
5	department's ability to do better
6	surveillance and provide more support
7	for treatment and monitoring. Thank
8	you.
9	MS. REDLENER: I have a
10	question. I'm not a physician. This
11	might be a simple question.
12	Just so I understand it, I know
13	earlier in the meeting we talked
14	about Hepatitis C and that there was
15	a test to determine the status. And
16	then there was a request to do the
17	DNA testing if it was positive at the
18	same time.
19	So is this a similar thing?
20	We're talking about testing people
21	for Hepatitis B and seeing that
22	they're positive. And only the ones
23	that are positive get the DNA
24	testing. So we're talking about DNA
25	reports that are positive or negative

1 for those who are positive with 2 Hepatitis B, not everybody who is 3 tested for Hepatitis B. DR. DEMETRE DASKALAKIS: 100% 4 5 correct. So Hepatitis V serology is a bit more nuance than Hepatitis C 7 serology. So for Hepatitis B you 8 will order usually a trio of three 9 tests, a Hepatitis B service 10 antibody, a core antibody and surface 11 antigen. 12 If someone is surface antibody 13 negative and the other two are 14 positive, that indicates that they 15 are likely chronically infected or have an infection. And then the next 16 17 step in that would be a viral load or a DNA test to see what their viremia 18 19 is like to allow you to make 20 decisions about therapy. 2.1 So there are, in effect, some 22 other steps. There's serological 2.3 that happened in the suite of testing 24 that happens with just pure serologic 25 testing. The Hepatitis B DNA would

1	be ordered. I could imagine
2	scenarios where this may be different
3	with individuals who demonstrated
4	evidence of serologic positivity.
5	One would imagine that it's
6	possible that someone may use it off
7	label to look for a very hyperacute
8	case of Hepatitis B. Usually they
9	would couple that with serologic
10	testing as well.
11	MS. REDLENER: Thank you.
12	COMMISSIONER BASSETT: Any other
13	questions or comments from the Board?
14	If not, I would like to ask for
15	a motion to move through this
16	publication.
17	MS. BRIER: Move for approval.
18	DR. RICHARDSON: Second.
19	COMMISSIONER BASSETT: Thank you
20	Miss Brier. Thank you
21	Dr. Richardson.
22	Everyone in favor please say
23	eye.
24	ALL: Aye.
25	COMMISSIONER BASSETT: I believe

1	that was unanimous.
2	Are there any abstentions or
3	nos? If not, I approve the
4	publication. Thank you, Doctor.
5	We ask for both positive and
6	negative test results in a way that
7	provides us with a denominator that
8	allows us to track a big portion of
9	tests.
10	We're now going to be changing
11	topics a bit and moving on to the
12	this is the last item for today,
13	which is a proposed resolution to
14	amend Article 207, the vital
15	statistics provision.
16	We have a presentation, please,
17	Mr. Schwartz. You're known to the
18	Board, but I would appreciate it if
19	you introduced yourself for the
20	record.
21	MR. SCHWARTZ: Good morning. I
22	am Steven Schwartz, the New York City
23	registrar of Vital Statistics.
24	We are asking the Board to
25	consider a proposal to move records

1 to the municipal archives of the 2 Department of Records and Information 3 services, and a bit of background. New York City Vital Records has 4 5 been in business a long time. One of our first customers was Alexander 7 Hamilton, who unfortunately had a 8 duel in New Jersey, but took a ferry to Bellevue and scummed in New York 9 10 City, so one of our first customers 11 in 1804. I started here shortly 12 thereafter. 13 We're talking about birth and 14 death records here. They are confidential records under the health 15 16 code, and they record them very 17 carefully. They are active records. From time to time we have transferred 18 19 records to municipal archives, but we 20 have not done so on a fixed schedule. 21 So what we're proposing to the 22 Board to consider is having a 2.3 schedule for a transfer of records 24 after they are nor longer at risk of 25 being exposed to essentially four

	<u> </u>
1	living people. That's what our
2	concern is.
3	So we are proposing to transfer
4	records of births that are more than
5	125 years old and death records more
6	than 75 years old. And we would be
7	looking for comments in particular on
8	the 75 year mark, specifically
9	inviting comments on the
10	appropriateness of this period of
11	time versus 50 years or other years.
12	We'll get into that in a moment.
13	So what are in these records and
14	why are we keeping them so closely
15	guarded? They are personally
16	identifiable information on both
17	births and deaths. They contained
18	detailed demographics such as full
19	names of registrants, mothers' and
20	fathers' names, race, ancestry,
21	education, dates of birth, addresses,
22	birthplaces, confidential medical
23	reports of birth and death including
24	terminations of pregnancy, including
25	abortions and miscarriages that would

be recorded on confidential medical 1 reports at birth, and cause and 2 3 manner of death. 4 So why are we proposing to do 5 this now? Right now we do not have a schedule. We do not have a rule to 7 transfer the records. The Board of Health has the authority to transfer 8 records and to set a schedule in it. 9 10 We are proposing to conform to 11 the state vital statistics law and to 12 ensure that no personally identifiable information of a person 13 14 becomes public prior to his or her death. 15 16 There's also a public interest 17 in these records. So one, this a 18 balance of keeping records private 19 and making them available at some 20 point when they would no longer cause harm to the individuals. 21 So for 2.2 example, amateur as well as 23 professional genealogists have 24 expressed an interest in accessing 25 these records.

1 There are risks of releasing records if we do it too soon. 2 3 most people are aware that there are 4 great risks for living people's 5 information getting out there all too frequently. And we're also aware 7 that for over two and a half million Americans over 65, there are a lot of 8 9 identity thefts. 10 Death certificates have 11 information on living people, and 12 birth certificates must be able to be 13 amended throughout a person's life. 14 The good news is that New Yorkers are 15 living longer. Half a million 16 New Yorkers are over the age of 75. In 2015 there were 901 New Yorkers 17 18 who died between 100 and 114. And we 19 should point out that we are always 20 looking for volunteers to live longer and healthier lives. 21 2.2 During the course of the use of 23 these records, they may need 24 amendments. So, for example, an 25 amendment is a correction to a

1 record, an amendment to a record. 2 People come to us to add information so that they can become a dual 3 citizen in another country, say 4 5 Italy. We get that a lot. So there is a need to have access to those 7 records. 8 Once our records are transferred 9 to archives, we do not control those 10 records, and they are not amendable. 11 So it's an important consideration. We recently have somebody walk in, a 12 13 100 year old man, who did not have a 14 birth record, proved that he was who he said he was, and we issued a 15 16 delayed registration of birth. 17 made him happy. And that's part of our business 18 19 in public health is the 20 responsibility of the retail side of 2.1 the business, the customer service side of the business, as well as 22 2.3 collecting public health records. 24 So, for example, in the last --25 roughly the last four years, we made

over a thousand amendments to records 1 2 of people 75 years or older. 3 Model state vital statics law provides, last revised in 1992, to 4 5 ensure that no person's personal identifiable information becomes 7 public prior to a person's death and recommends that no birth record be 8 9 released until 125 years after birth, 10 and death records 75 years after 11 death. 12 So why the 75 years for death records? Death records have data on 13 14 living people. For example, a teenage mother on a death record can 15 16 still be alive 75 years after her 17 infant's death. That information is 18 on that death record. So infant 19 death records are less common now, 20 but in the 1950s there were 4,300 21 infant deaths each year. 22 So the department is very 23 interested in hearing comments on the 24 proposal about how long, especially death records, should be maintained 25

1	privately, and balancing the privacy
2	and the disclosure is very important.
3	COMMISSIONER BASSETT: Thank
4	you. The proposal is now open for
5	questions and comments from the
6	Board.
7	Dr. Richardson, you can start
8	off.
9	DR. RICHARDSON: Thank you. It
10	is a pleasure to see you, as always.
11	Could you describe for us the
12	differences in the level of
13	confidentiality between records held
14	by the New York State Department of
15	Health and records in the
16	department what is it?
17	MS. REDLENER: The Department of
18	Records and Information Services.
19	DR. RICHARDSON: Department of
20	Records and Information Services just
21	so we can understand sort of the
22	level of access, disclosure,
23	confidentiality that we're talking
24	about.
25	MR. SCHWARTZ: I'm so glad you

1	
1	confidential medical report of birth
2	and the confidential medical report
3	of death.
4	MS. REDLENER: I have a
5	question.
6	COMMISSIONER BASSETT: Dr. Gowda
7	is next, and then Miss Redlener.
8	DR. GOWDA: Thank you very much
9	for that presentation.
10	So I think the concern of death
11	records having other persons'
12	information on there being released
13	at a time when that person is still
14	alive I think is an important
15	concern.
16	Has there been a consideration
17	at all of having the release date be
18	contingent on the age of the deceased
19	when that person died so THAT someone
20	who did die as an infant might have a
21	longer period before that?
22	MR. SCHWARTZ: Well, we would
23	like comments, and we would accept
24	that there would be comments about
25	this proposal.

1	We're concerned because of the
2	risk of information on living people.
3	So how do we we don't know that.
4	People in New York City, we would
5	like them to stay, but they're
6	actually allowed to live anywhere and
7	die anywhere. So we don't
8	necessarily know if somebody has died
9	and when. So we're aware they died.
10	If we're trying to be most
11	protective of records of New York
12	City, people who were born or died in
13	New York City, we have to be very
14	mindful of what information we have
15	and how we can actually protect the
16	records other than picking a date
17	that would be protective enough
18	without compromising those people,
19	like genealogists and family members,
20	who would like to explore that
21	information. So it's a balance.
22	COMMISSIONER BASSETT: I think
23	what Dr. Gowda is getting at is, for
24	example, if somebody were age 50 when
25	they died, if the records were

1 released after 50 years, the likelihood that anyone was who listed 2 3 on their death certificate would be alive would be very, very low. 4 5 Whereas if they were age -- died at birth, and 50 years later it's 7 much more likely that somebody listed on that birth certificate would still 8 be alive. 9 10 So I think he's acknowledging 11 that there's a different likelihood 12 that people listed on the birth 13 certificate will still be living 14 depending on the age of death of the decedent. 15 16 MR. SCHWARTZ: From a practical 17 standpoint, we can only transfer records, all of the records say I've 18 19 been given here at one time, and not 20 start hunting through them. 2.1 So the logistics are tremendous. 22 So for us, all vital records offices 2.3 started out as bookbinding industries 24 and paper records, and the records --25 so we have paper records, we have

1	paper index books, we have microfilm.
2	Our proposal would be to transfer,
3	for whatever year, all of those
4	records. Just from a logistics
5	standpoint and a practicality and a
6	cost standpoint, it would be most
7	efficient to transfer for a given
8	year at one time.
9	COMMISSIONER BASSETT: Thank
10	you. Miss Redlener. And were there
11	other hands up on this side of the
12	room?
13	MS. REDLENER: A very
14	interesting thought provoking
15	proposal. I have a couple of
16	questions.
17	One is could you just explain a
18	little bit more about the state model
19	standards right now? Is that
20	something that most states are
21	implementing relative to the transfer
22	of birth and death records?
23	MR. SCHWARTZ: The vital statics
24	and regulations was actually the
25	first model public health law in the

2.1

2.3

U.S., and I think it was 1905. And so it's in its sixth revision now, last revised in 2011. And it is not a uniform law, it is a model, so it is essentially proposed to states and agreed upon in concert with the National Center for Health Statistics of CDC and the states.

So it's voted on that way, and states are implementing it. Some have implemented the 125 in '75, and I think for many jurisdictions, they haven't gotten around to it yet.

MS. REDLENER: Thank you.

Another question, I guess based on your previous answers, probably not likely, but if somebody wanted to protect a birth or a death record in their family from public information, would that at all be possible whether this is information that a family hasn't disclosed before, if you're talking about birth terminations, you know, other amendments, whatever that might be considered, you know,

1	more something that a family was
2	sensitive about, would there be any
3	way of requesting that they not be
4	made public?
5	MR. SCHWARTZ: To clarify, are
6	you asking beyond the 125 and 75 that
7	were said to be made never made
8	public?
9	MS. REDLENER: Yes.
10	MR. SCHWARTZ: I suppose there
11	could be a mechanism created for
12	that. We're always looking for work.
13	TOM: I think the current answer
14	is no.
15	COMMISSIONER BASSETT:
16	Miss Brier.
17	MS. BRIER: It is always nice to
18	see you, and you always have
19	interesting things to say. So I want
20	to make sure. I might have missed
21	it. If so, I apologize.
22	The department records and
23	information services, which is going
24	to receive this material, and it
25	becomes public, and in the process of

1	becoming public, someone realizes
2	that there's mistaken in information
3	there. So once it goes there, I
4	thought you said, I believe you said,
5	that's it, you may not amend it
6	further, if that's true.
7	And I suppose the possibility
8	exists that once it's public, someone
9	who didn't know who was that person
10	or that person's relative might
11	discover something that was not
12	accurate and it's sort of too bad;
13	right? That's the deal?
14	MR. SCHWARTZ: Our understanding
15	is that once it's transferred to
16	Doris, they are no longer our
17	records. They're the Department's
18	records. And the only entity that
19	has the authority to amend records or
20	correct records is the Department of
21	Health.
22	MS. BRIER: I got it. Thank
23	you.
24	COMMISSIONER BASSETT:
25	Dr. Klitzman.

1 MS. KLITZMAN: Good morning. 2 Nice to see you and thanks for 3 injecting some levity into what some people might consider a rather dry 4 5 topic. I will throw out my question just to get a better understanding of 7 8 what's motivating this. To follow up 9 on Karen's question, do you know 10 specifically whether New York State 11 and our surrounding states, New 12 Jersey and Connecticut, have adopted the model laws? That's one question. 13 14 MR. SCHWARTZ: So New York State 15 operates differently. So in New York State they would -- they release 16 17 their birth records after 75 years if you can prove someone is dead, like a 18 19 death certificate, and then the birth 20 record could be released. And I believe New York State 2.1 22 releases death records after 50 2.3 years. We have been in discussion 24 with New York State, which has not 25 looked at its -- that section of

1 their public health law in quite a 2 while, so they are -- they're 3 contemplating going along with the new model law of 125 and 75. 4 5 I want to jump in. TOM: One of the reasons that this is being -- I 7 should put out is under the 8 administrative code, the process 9 historically has been that the 10 department could come to the board at 11 given times and just say release 12 these records and it's done in 13 batches. It was last done before 14 Steve was here, I think, in the 15 1980s. 16 Why we're doing it now is that 17 there is this interest on groups 18 getting records. I think we need a 19 rule from a -- just from a 20 prospective if we're going to say no 2.1 or yes to people's request for 22 records, it should be described. 23 this should be codified and a rule 24 set for when we're going to make 25 these records public.

1	MS. KLITZMAN: Thank you. That
2	was one of my questions.
3	My other question was you
4	mentioned that you have books, and
5	you have paper records, and you have
6	microfiche, and you have electronic
7	records.
8	So is there a plan to move
9	everything the older records to
10	electronic, or would they be just
11	transferred in whatever form they're
12	in and that kind of relates to the
13	manpower question?
14	MR. SCHWARTZ: We expect it's
15	going to be a challenge any way we do
16	it. So it would be appropriate for
17	us to it's actually logistically
18	we have to move everything
19	essentially at one time.
20	For example, when we imaged all
21	of our I think in 2006 we imaged
22	all of our birth and death records,
23	about 13 million records. That's the
24	good news. The bad news is we only
25	did the front side, not the back

1	side.
2	So for somebody if we simply
3	transferred, which might be really
4	logistically easy by just
5	transferring the electronic records,
6	it would only be the face of it, not
7	the confidential medical report at
8	birth, which is on the back, which
9	would be of great interest to
10	historians. So it's a mixed media
11	challenge.
12	COMMISSIONER BASSETT: I am
13	going to give Dr. Richardson first,
14	and then Dr. Caro, and then I think
15	we should be close to wrapping up.
16	DR. RICHARDSON: So do you know,
17	are there any persons currently
18	living in New York City who are over
19	the age of 125?
20	MR. SCHWARTZ: We know of none.
21	We did have a woman die in Brooklyn
22	two years ago at age 116.
23	DR. RICHARDSON: Thank you. And
24	is it possible to search the fact of
25	a birth, not get access to the birth

1	certificate, but the fact of a birth
2	or a death in public records if
3	you're not directly related to
4	someone?
5	I'm trying to understand what
6	the sources are now that are open.
7	Or is the birth certificate really
8	the only source of the fact that
9	someone was born?
10	MR. SCHWARTZ: That's a great
11	question.
12	When we all started in the
13	business, everything was paper.
14	There was nothing called the
15	Internet. So now with the advent of
16	the Internet, there is access in many
17	ways, and many people will choose to
18	post their information maybe placing
19	themselves at some risk by doing
20	that, by putting birth information on
21	there, for example, or death
22	information, and how that might be
23	misused.
24	And there are there really
25	are risks, and there are also risks

1	of where we get complaints or read
2	about issues where someone will steal
3	an identity. Identity theft is
4	especially practical for stealing the
5	identity of younger people who
6	have died at a young age because that
7	has the greatest opportunity for
8	using that during a person's
9	lifetime.
10	In fact, we have a case that was
11	adjudicated in Federal Court that
12	where we had to testify about
13	somebody who had stolen a New York
14	City birth certificate and used the
15	identity. So that's a real risk.
16	And anything we do may
17	contribute to the risk and the loss
18	of protection of a New York City born
19	or a New York City event.
20	COMMISSIONER BASSETT: That's a
21	standard made publicly and available
22	at some point?
23	MR. SCHWARTZ: Yes. So 1940
24	census data are available. A really
25	good question. The last time I

1	understand that the census evaluated
2	the benefits and risks of releasing
3	those data. The last time they did
4	that was in 1952. So they're really
5	on top of it.
6	COMMISSIONER BASSETT: Thank
7	you.
8	Dr. Caro and then Miss Gill.
9	DR. CARO: Just a brief
10	question.
11	Is any difference between dead
12	person is not claimed by any family
13	member or in this proposal, any
14	difference?
15	MR. SCHWARTZ: We have all of
16	the records. So for any death that
17	occurs, we have that record, and they
18	are all treated equally.
19	COMMISSIONER BASSETT: Thank
20	you. Miss Gill.
21	MS. GILL: How do we protect
22	these records within the age of the
23	Internet, and we just this week have
24	Equifax, and the challenge of many
25	citizens data? So how do we protect

1 this for anything that we are not 2 even aware that they can be useful. 3 But it's mind boggling to know that people in the United States, 4 5 that they have gone, and we don't know what they're going to use it 7 for. 8 MR. SCHWARTZ: We share that 9 concern, so we build electronic 10 systems that are very tightly 11 controlled within our own offices, 12 how we keep them, store them. 13 also have to be very concerned about 14 how those original records are generated because a birth record 15 16 endorsed by New York City creates a 17 U.S. citizen. So we're really careful about 18 19 how we are using biometric devices, 20 and now we're going to facial 21 recognition for all of our providers 22 who are sending data to us. So we 2.3 are trying to keep as ahead of the 24 game as much as we can. And New York City also works with all the states 25

1	to learn from each other to do the
2	best we can.
3	COMMISSIONER BASSETT: All
4	right. If there are no further
5	comments or questions, I would like
6	to thank the Board for a robust
7	discussion and ask for a motion to
8	approve for publication.
9	FEMALE SPEAKER: I move that we
10	approve.
11	DR. RICHARDSON: Approve.
12	COMMISSIONER BASSETT: May I
13	have all in favor say aye.
14	ALL: Aye.
15	COMMISSIONER BASSETT: It's
16	unanimous. Thank you. Approved for
17	publication.
18	All right, with that, I would
19	like to thank the Board for a very
20	packed meeting and a very rich
21	discussion and declare the meeting
22	adjourned.
23	(Time noted: 12:04 p.m.)
24	
25	
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3	CERTIFICATION
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7	I, Terri Fudens, a stenotype reporter and
8	Notary Public within and for the State of New York
9	do hereby certify:
10	That the foregoing transcription is a true
11	record of my stenographic notes.
12	I further certify that I am not related to
13	any of the parties by blood or marriage and that I
14	am in no way interested in the outcome of this
15	matter.
16	IN WITNESS WHEREOF, I have hereunto set my
17	hand.
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20	
	Jerri Fuclens
21	Terri Fudens
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